

**PUBLIC HEARING – WD#5 – INCREASE EXPENDITURES – JUNE 29, 2006 7:00 PM  
KENDALL TOWN BOARD – SPECIAL MEETING – JUNE 29, 2006  
Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

**PUBLIC HEARING**

Public Hearing opened by Supervisor Vick at 7:10 p.m.

Purpose of the public hearing is to Increase the Maximum Amount to Be Expended for Construction Facilities of Kendall Water District No.5

Supervisor Vick explained that this is not increasing the amount to be spent in actuality but providing for the accommodation of the Intermunicipal Cooperation Agreement between the Town of Kendall and Town of Hamlin for the serial bonds, which will be taken out in the Town of Kendall's name, to cover the additional indebtedness of Beachwood #5 with their tax levy being paid over to us on an annual basis to cover their cost of the Serial Bond. These are rules and regulations that are imposed upon us by Rural Development/USDA.

Sandy Peragine - 29 Countyline Road, Hamlin

Questioned if after closure of Water District #5 will an audit occur that Kendall has placed money aside to complete. Supervisor Vick stated questioning what year the audit will be performed for. Supervisor Vick and Attorney Heath have asked Rural Development of which year this audit needs to be completed. No answer has been received from them to date. Supervisor Vick in dialogue with new Accountant, Ray Wager, to help determine fair division of funds between Kendall and Hamlin for this Water District. Hope to see return of overpaid fees, using the easiest and cost effective way to tax payer, should that need to be done. Sandy stated for 2006 she paid \$344.35 and across the road they paid \$272.67 for debt repayment for the same water construction project. She knows these are not equal and appreciates the Board's effort looking into this. Sandy also felt that she should not pay additional fees for an extension of a district to loop our water source. Supervisor Vick explained that this second water source is a separate issue and is to provide for water at all times should a water main break. \$12.41 fee is in addition to debt repayment and all water users are charged for this second source of water.

After no further comments made, Supervisor Vick closed the public hearing at 7:20 p.m.

***PUBLIC PRESENT:***

Art and Sandy Peragine, John and Sally Sober, Marianne Wilson, Joyce Henry, Al & Bev Lofthouse, Bob Nelson Sr.,

***CALL TO ORDER***

Special meeting was called to order by Supervisor Vick at 7:20 PM and the Pledge of Allegiance was led.

***ROLL CALL***

Christine DiNatale, Councilwoman	Present
Donald Pritchard, Councilman	Present
David Schuth, Councilman	Present
Charles Scroger, Councilman	Present
William Vick, Supervisor	Present

**Department Heads Present:** Douglas Heath, Attorney; Scott Hardenbrook, Code Enforcement Officer.

***SUPERVISORS REMARKS***

Reviewed correspondence received. Will review later in workshop of MCWA minutes of last meeting. Final issues have been resolved and is prepared to sign after review of these minutes. New FEHMA regulations are questionable and if don't comply may jeopardize future funding. Supervisor Vick asked Councilman Scroger to get update on this. Notice given that Town of Murray will be making some zoning ordinance changes. Draft letter, from Town of Kendall and Town of Hamlin, has been comprised to notify water customers of transfer water service to MCWA and will review in workshop. Norway Height residents will attend next board meeting to inquire about the status and disposition of Motzer's Property. Marina has an accredited architect and has presented as built drawings. List of remaining detail drawings of remaining requirements to continue have been done. Supervisor Vick has signed off for Freemesser to continue progress but CEO Hardenbrook has final authority to have Freemesser move forward. No drawing package has been presented for overall site. CEO Hardenbrook and Supervisor Vick will be sure everything is in order before project continues.

***PUBLIC PARTICIPATION***

Allen Lofthouse – Center Road

Questioned when MCWA will take over. Supervisor Vick stated that August 1, 2006. Their board meets July 13<sup>th</sup> and all Town of Kendall paperwork will be available to them prior to that meeting. Councilman Pritchard awaits agreements for signatures and will be sure that all negotiated items will be in place.

***RESOLUTIONS: (#108-606 through #111-606)***

**RESOLUTION #108-606 – DISPOSAL AND DONATION OF OUT-DATED COMPUTER (AND RELATED) EQUIPMENT**

Councilman Pritchard moved that the following resolution be adopted:

Whereas the Town owns an out-of-date computer that is no longer sufficient to use for Town business, and

Whereas the Town owns other out-of-date, surplus office equipment and furniture, and

Whereas the Town desires to donate this equipment to the Kendall Fire Department, a nonprofit organization,

It is resolved that the Town Board of the Town of Kendall deems the equipment listed below as out dated and surplus.

**PUBLIC HEARING – WD#5 – INCREASE EXPENDITURES – JUNE 29, 2006 7:00 PM**  
**KENDALL TOWN BOARD – SPECIAL MEETING – JUNE 29, 2006**  
**Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

It is further resolved to donate this equipment to the Kendall Fire Department with the stipulation that the Kendall Fire Department sells this out-of-date equipment at their Auction fund-raising event on July 6, 2006,

Soyata Computer c.a. 1996, Windows 95, 3 GB HD, 30 MB RAM, Floppy Drive, Office 97, speakers  
Olympia Electric 65 Typewriter  
Computer Table  
Office Table

It is further resolved that the Packard Bell Computer Monitor be declared as obsolete and the Town Board further gives authorization to dispose of this item.

Such motion was seconded by Councilwoman DiNatale, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**RESOLUTION #109-606 – RESOLUTION TO EXPRESS APPRECIATION FOR TOWN HALL GARDEN DONATIONS**

Councilwoman DiNatale moved that the following resolution be adopted:

Whereas the Kendall Town Hall's flower gardens in the spring appear to be bare and in need of decoration.

Whereas our local area greenhouses have played a large roll in providing floral materials for our Town Hall to become an attractive location in our community.

Therefore be it resolved that the Kendall Town Board, on behalf of our community, would like to formally thank B&C Christ Farms, Partyka Farms and Smith Greenhouse for their kind donations of flowers for our Town Hall gardens.

Be it further resolved to thank our volunteers: Gert Hauck, Mary Mann and Lisa Stenshorn for their volunteerism in planting these flowers and continuing to nurture our gardens.

Such motion was seconded by Councilman Pritchard, and the vote resulted as follows:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**RESOLUTION #110-606 – DISPOSITION OF SURPLUS PROPERTY**

Councilwoman DiNatale moved that the following resolution be adopted:

The Town Board of the Town of Kendall recognizes that goods and materials may over time, become obsolete or outdated. The goal of this policy is to provide for the efficient disposal of Town property that has been deemed surplus, obsolete or of no further significant use to the Town. This should apply to assets in excess of \$100.00 value. The assets to be disposed of must be brought to the attention of the Town Board and it's value determined at that time. See Procedures for Disposal. This policy does not apply to Real Property.

Be it resolved that the "Disposition of Property" policy as attached be accepted by the Town Board of the Town of Kendall as of this date.

Such motion was seconded by Councilman Scroger, Supervisor Vick instructed Clerk Hanlon to call the roll of the Town Board, which a vote was done with the following results:

Councilwoman DiNatale	<i>Aye</i>
Councilman Pritchard	<i>Aye</i>
Councilman Schuth	<i>Aye</i>
Councilman Scroger	<i>Aye</i>
Supervisor Vick	<i>Aye</i>

Supervisor Vick declared that the foregoing resolution was duly adopted.

**DISPOSITION OF PROPERTY**

**PUBLIC HEARING – WD#5 – INCREASE EXPENDITURES – JUNE 29, 2006 7:00 PM**  
**KENDALL TOWN BOARD – SPECIAL MEETING – JUNE 29, 2006**  
**Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

**Policy Statement:**

The Town Board of the Town of Kendall recognizes that goods and materials may over time, become obsolete or outdated. The goal of this policy is to provide for the efficient disposal of Town property that has been deemed surplus, obsolete or of no further significant use to the Town. This should apply to assets in excess of \$100.00 value. The assets to be disposed of must be brought to the attention of the Town Board and its value determined at that time. See Procedures for Disposal. This policy does not apply to Real Property.

**Definitions:**

- A. Disposition - The sale, trade, scrapping, or other disposal of any item that is deemed to no longer have a significant use to the Town.
- B. Economic Repair - Condition in which the scrap value of an item exceeds the cost of repair.
- C. Public Sale - The sale of Town property by sealed bid, fixed price, auction, or other generally accepted process.
- D. Real Property - Real estate, buildings, or other 'real' property.
- E. Fixed Assets - A financial resource that:
  - 1. Is a computer; or
  - 2. Meets all of the following criteria
    - a. is tangible in nature
    - b. has an extended useful life, at least one year.
    - c. is not a repair part or supply item.
    - d. has a value of \$100.00 or more.
- F. Salvage - Retention of some component(s) of one item for use in the repair of another like item.
- G. Scrap - Sale of an item that is no longer useable, or its remnants.
- H. Trade-in - A credit or deduction received for property that is being replaced.

**Regulations**

Property of the Town of Kendall deemed surplus must meet at least one of the following criteria:

- 1. It has been condemned for use by the health department or for other safety reasons by our Safety and Environmental Office.
- 2. It is damaged or worn beyond economic repair.
- 3. It will be or has been replaced.
- 4. It is considered outdated or obsolete.
- 5. It cannot be repaired in a cost effective manner for additional use.
- 6. It is excess and will not be used.

**Procedures for Disposal**

1. Prior to sale, always determine the fair market value of the item to be sold. If it is sold for less, you may be violating Article VII, 7, of the state constitution, the 'gift clause'.

2. Pass a resolution declaring the property to be surplus, and specifying how the property is to be sold, or delegating that task to a specific official.

3. Proceed with the sale as required by the town council, or in any commercially reasonable way. Sale can be by auction, private sale, sealed bid, through a broker, etc, depending on the value of the item:

\$0 to \$250.00-Private Sale at the value set by the Town Board, sale by appointed member of the Board-by check or money order.

\$250.00 to \$1500.00-Advertise, or private sale at value set by Town Board, sale by Supervisor or other appointed member of the Board---check or money order.

\$1500.00 and UP-Board Resolution to dispose of the item; advertise for sealed bids, acceptance by supervisor and 2 other board members---check or money order.

Town officials are restricted from purchasing surplus property due to conflict of interest concerns. The general rule is that those who are involved in the decision to surplus property (the council) and those in charge of administering the sale should not purchase the property.

**PUBLIC HEARING – WD#5 – INCREASE EXPENDITURES – JUNE 29, 2006 7:00 PM**  
**KENDALL TOWN BOARD – SPECIAL MEETING – JUNE 29, 2006**  
**Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

The official in charge of disposal must request authorization to donate a surplus item to a charitable or nonprofit organization that has tax-exempt status.

Donations will be handled on a case-by-case basis and approved by the Town Board.

An annual report must be submitted regarding the disposal of assets for the year.

The Highway Law gives the highway superintendent, with the approval of the town board, the authority to sell "machinery, tools, implements and equipment, which are no longer needed by the town, or which are worn out or obsolete." In addition, such tools, implements, equipment and machinery may be considered in trade for new tools, implements, equipment or machinery. When sold, the proceeds must be made applicable to the purchase of new tools, implements, equipment or machinery. Thus, when disposing of unneeded highway equipment, the town board and the highway superintendent must be in agreement that the property should be sold, and the proceeds of such sale must be applied as directed by the Highway Law.

**RESOLUTION #111-606 – INCREASING THE MAXIMUM AMOUNT TO EXPEND FOR CONSTRUCTION AND INSTALLATION FOR WD#5**

Councilman Pritchard moved that the following resolution be adopted:

RESOLVED, that the Kendall Town Board does hereby adopt the annexed Order, increasing the maximum amount the Town is authorized to expend for construction and installation of the joint water project between Kendall Water District No. 5 and Hamlin-Beachwood Park Water District.

Such motion was seconded by Councilman Scroger, Supervisor Vick instructed Clerk Hanlon to call the roll of the Town Board, which a vote was done with the following results:

Councilwoman DiNatale	Aye
Councilman Pritchard	Aye
Councilman Schuth	Aye
Councilman Scroger	Aye
Supervisor Vick	Aye

Supervisor Vick declared that the foregoing resolution was duly adopted.

**KENDALL WATER DISTRICT NO.5: Order After Public Hearing on Increasing Maximum Amount to be Expended for Construction of District Facilities**

A regular meeting of the Town Board of the Town

In the Matter  
of the  
Increase in Maximum Amount to Be Expended for  
Construction Facilities of Kendall Water District No.5  
in the Town of Kendall in the County of Orleans  
New York, Pursuant to Article 12-A of the Town Law

**RESOLUTION AND ORDER  
AFTER PUBLIC HEARING  
TO INCREASE MAXIMUM  
AMOUNT TO BE EXPENDED  
FOR DISTRICT FACILITIES**

WHEREAS, the Kendall Town Board adopted an Order on the 8<sup>th</sup> day of June, 2006, setting forth in detail therein the fact that the Town of Kendall had authorized the construction and installation of Kendall Water District No.5 as a joint project with the Hamlin-Beachwood Park Water District and further reciting that it was necessary to increase the maximum amount which the Town of Kendall is authorized to expend for such project in order to accommodate and issuance and sale of several indebtedness of the Town of Kendall as required by USDA, Rural Development and stating the revised maximum amount to be authorized to be expended by the Town of Kendall; and

WHEREAS, said Order directed that a Public Hearing be conducted on June 29, 2006 at 7 :00 p.m. in the Kendall Town Hall by the Kendall Town Board to hear all persons in favor of or in opposition to said proposed increase; and

WHEREAS, notice of said Public Hearing was duly posted and published by the Town Clerk pursuant to the provisions of the Town Law of the State of New York; and

WHEREAS, the Kendall Town Board did so conduct said Public Hearing on the date and time and in the place specified in said Order, at which Public Hearing considerable discussion on the matter having been had and all persons wishing to be heard in favor of or in opposition to said increase were given an opportunity to be heard; now, therefore, upon the evidence presented at such Public Hearing, it is hereby

RESOLVED AND DETERMINED, that it is in the public interest to increase the amount which the Town of Kendall is authorized to expend by the Town for and on behalf of Kendall Water District No.5 for cost of construction and installation of the joint water project between Kendall Water District No.5 and Hamlin-Beachwood Park Water District by the issuance and sale of several indebtedness of the Town of Kendall for such purposes; and it is hereby

ORDERED, that the maximum amount to be expended shall be so increased from \$416,000.00 to \$655,000.00, being the amount stated in the Notice of Public Hearing, and the Town of Kendall shall be hereby authorized to issue several indebtedness in

**PUBLIC HEARING – WD#5 – INCREASE EXPENDITURES – JUNE 29, 2006 7:00 PM**  
**KENDALL TOWN BOARD – SPECIAL MEETING – JUNE 29, 2006**  
**Kendall Town Hall, 1873 Kendall Road, Kendall, NY 14476**

the name of the Town of Kendall for such joint project in an amount not to exceed \$655,000.00; and it is hereby

FURTHER ORDERED, that the issuance and sale of several indebtedness of the Town of Kendall in an amount not to exceed \$655,000.00 for the construction and installation of said joint project shall be contingent upon the execution of an Amended Intermunicipal Cooperation Agreement by and between the Towns of Kendall and Hamlin, wherein the Town Of Hamlin agrees to repay to the Town of Kendall each year, the Town of Hamlin's proportionate share of such indebtedness which is attributed to that portion of the joint project improvements in the Hamlin-Beachwood Park Water District located in the Town of Hamlin, Monroe County, New York; and it is hereby

FURTHER ORDERED, that this Order shall be subject to referendum on petition in accordance with the requirements of the Town Law of the State of New York and it shall not take effect until thirty (30) days after its adoption, nor until approved by the affirmative vote of a majority of the owners of taxable teal property situate in the District as shown upon the latest completed assessment roll of the Town, voting on a proposition for its approval, if within thirty (30) days after the adoption there is filed with the Town Clerk a petition protesting against such resolution.

***UNFINISHED BUSINESS:***

Councilman Schuth presented a draft resolution and draft Local Law #2 of 2006 to be known as “The Town of Kendall Moratorium on Meteorological Towers, Wind Energy Deriving Towers and Transmission Facilities Law”, to be reviewed by the board. Discussion resulted as to why the Planning Board recommends this moratorium. Councilman Schuth expressed that it would give the Planning Board time to develop regulations for the construction of these towers. The board would like more information before this is again placed on the agenda.

Motzer Property – Norway Heights Road

CEO Hardenbrook was advised that Citizens of Norway Heights will be attending the next Town Board meeting to ask questions as to the status of this property. Discussions lead as to next action to take against property owner. CEO Hardenbrook will further investigate and report back to the board.

Marina discussion and new architect will be meeting with CEO Hardenbrook. Supervisor Vick requested that we have Insurance and Qualifications provided to us.

***ADJOURNMENT***

With there being no further business Councilman Scroger moved for adjournment, seconded by Councilwoman DiNatale. Unanimously in favor for adjournment at 8:08 PM.

Respectfully Submitted

Nadine P. Hanlon, RMC  
Kendall Town Clerk